To: Natalie Gozzard [Ex. 6 - Personal Privacy]
From: Pease, Anita
Sent: Fri 5/5/2017 7:59:51 PM
Subject: RE: [SPAM] Re: EPA Mulls Dow, FMC Requests to Redo Endangered Species Studies

No, they got that wrong. I don't officially start in BEAD until June 12th.

From: Natalie Gozzard [mailto:[Ex. 6 - Personal Privacy]
Sent: Friday, May 05, 2017 1:47 PM
To: Pease, Anita <Pease.Anita@epa.gov>
Subject: [SPAM] Re: EPA Mulls Dow, FMC Requests to Redo Endangered Species Studies

Finally read this.You're already at BEAD?

On May 4, 2017, at 4:55 PM, Pease, Anita <Pease.Anita@epa.gov> wrote:

> Fyi…from my presentation yesterday.
>
> **From:** Spatz, Dana
> **Sent:** Thursday, May 04, 2017 4:45 PM
> **To:** OPP EFED Managers <OPP_EFED_Managers@epa.gov>
> **Subject:** EPA Mulls Dow, FMC Requests to Redo Endangered Species Studies
>
> **EPA Mulls Dow, FMC Requests to Redo Endangered Species Studies**
>
> *Posted May 04, 2017, 9:13 A.M. ET*
>
> *By Tiffany Stecker*
>
> An EPA official appeared to welcome the opportunity to re-evaluate three contentious scientific assessments on pesticides that harm rare species, saying the agency wanted more time to finish the evaluations before fully considering outside recommendations.
>
> Anita Pease, the agency's acting associate director for the Office of Pesticide Programs' Biological and Economic Analysis Division, said May 3 that the agency is considering revising the biological evaluations on chlorpyrifos, malathion and dianazon. Reports found that nearly all threatened or endangered species would be affected by two of the three insecticides.

Manufacturers of the pesticides—Dow Agrosciences LLC, Makhteshim Agan of North America (ADAMA) and FMC Corp.—have encouraged the Environmental Protection Agency to roll back the evaluations, as has the pesticide trade group CropLife America and other pesticide makers. The manufacturers criticized the EPA's scientific approach to assessing the risk to species, saying the agency did not follow guidelines in a 2013 National Academies of Science report on the issue.

"Some of the recommendations we agree with," Pease told the Pesticide Program Dialogue Committee, a panel of state groups, manufacturers, farming associations and environmental interests, in Washington. The agency would like the opportunity to review industry's input "given the time to do so."

Frustrating Deadlines

Under the Endangered Species Act, the EPA is required to consult with the NOAA Fisheries Service and the U.S. Fish and Wildlife Service on possible harm to plants and animals before approving pesticides for sale.

Years of failure to do so triggered litigation and an eventual lawsuit that set a Dec. 31 deadline for NMFS to finalize biological opinions for the three organophosphate pesticides, based on the EPA evaluations (Ctr. for Biological Diversity v. U.S. Fish and Wildlife Service, N.D. Cal., 3:11-cv-05108, 7/28/14). Two other insecticides, carbaryl and methomyl, must have final opinions by December 2018.

EPA has struggled to evaluate the three pesticides—which have generated tens of thousands of pages of analysis—under the court-ordered deadline. Industry asked for an extension to comment on the draft evaluations, but the agency said the legal requirements could not allow for delay.

The constrained timeline has vexed agricultural groups as well, Gabriele Ludwig, director of sustainability and environmental affairs for the Almond Board of California, said.

"This has been frustrating in terms of having a deadline that then doesn't allow us to have a transparent process going forward," Ludwig said.

The biological evaluations released Jan. 17 found 97 percent of the more than 1,800 species are likely to be harmed by malathion and chlorpyrifos. Diazinon affects about 78 percent of animals and plants listed under the ESA. A redo will likely shrink the number of adversely affected species, Pease said.

"I think, yes, we would expect different conclusions," she said.

11th Hour Attempt

Environmental advocates on the committee, who represent the groups that sued the agency

for failing to comply with the ESA, lambasted the effort to change the course of the evaluations nearly three years after the 2014 settlement.

"It seems late in the game to get this kind of request," Sharon Selvaggio, water and wildlife program director at the Northwest Center for Alternatives to Pesticides, said.

"It's increasingly frustrating to see the agency considering this 11th hour attempt," Lori Ann Burd, environmental health program director with the Center for Biological Diversity, said.

But Ray McAllister, senior director for regulatory policy at CropLife America, said the evaluations don't reflect what scientists have seen in the field.

"We don't see declines in those species," he said. "I think it's worthwhile to re-evaluate."

Opportunity for New Methods

The pesticide industry wants to refine the first two steps in a three-step process for assessing effects on the listed species, Pease said. These are where the EPA first designates a "no effect" or "may affect" status, followed by a "not likely to adversely affect" or "likely to adversely affect" call for those that fall in "may affect" in the first step. It is these two steps that determine whether EPA must consult with the wildlife agencies for a pesticide.

The EPA could apply new risk assessment methods that have not typically been used in pesticide assessments, if the agency does re-evaluate the studies, said Pease.

Pease said that, pending a decision on the requests, EPA is set to release the wildlife services' draft biological opinions for chlorpyrifos, diazinon and malathion for a 60-day public comment period in late May or early June.

The EPA has also agreed to determine the effects of four herbicides—atrazine, simazine, propazine and glyphosate—by 2020, under the terms of a separate legal settlement.